

## REMARKS

This is in response to the Official Action dated May 14, 2007.

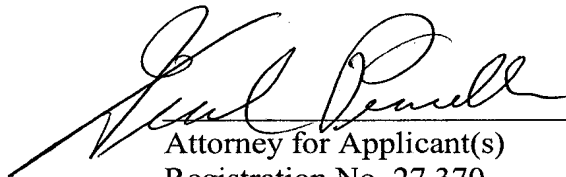
With regard to the statement in Applicant's prior response that there is no teaching or suggestion of reading in Kaplan that occurs by laser, this was merely meant to illustrate that the laser is used principally for creating the indicia and nothing else. As later stated in Applicant's response, the only teaching or suggestion of reading in Kaplan is the use of a jeweler or a jeweler's loupe, as set forth in column 8, lines 1-10. The present invention is directed to a method for reading micro-discrete indicia on gemstones utilizing near-field optics. This is not taught or suggested in either of the references cited.

The Examiner relies on Froehlich for teaching reading of indicia using near-field optics. Applicant respectfully submits that this is not correct. In particular, as indicated by the title of the Froehlich et al reference, it is directed to "A Near-Field Scanning Optical Microscope for Analysis of Magneto-Optic Media." Thus, it can be seen that the near-field scanning is used for analysis of a magneto-optical media, which is not the same as reading indicia. Near-field Scanning Optical Microscopy (NSOM) is directed to recording media that stores digital information. Enclosed herewith are three separate publications illustrating what magnetic magneto-optic recording media is directed to. It is clear that this is not directed to very small permanent visual indicia to which the present invention is directed. Quite the contrary, magneto-optic media is directed to media such as this that are used in computers for storing large amounts of digital data. In particular, it offers re-writing of information on the storage media. Applicant respectfully submits that the Froehlich et al clearly does not teach or suggest utilizing near-field optics for reading indicia on gemstones to which the present invention is directed. In the present invention a permanent marking, such as text or alphanumeric numbers, are provided on a gemstone. The Froehlich reference is directed to a probe used to study data storage problems and materials. (See page 84, last paragraph). There is no teaching or suggestion in Froehlich et al for reading indicia as taught and claimed by Applicant. Quite the contrary, Froehlich is directed to the study of magneto-optical recording media, which is totally apart and distinct from that of the claimed invention.

In view of the foregoing, Applicant respectfully submits that the prior art, either individually or as combined by the Examiner, failed to teach or suggest the claimed invention, in particular, failed to specifically teach or suggest reading apparatus for reading indicia using near-field optics as taught and claimed by Applicant.

In summary, Applicant respectfully submits that the prior art does not teach or suggest the invention as taught and claimed by Applicant.

Respectfully submitted,



Attorney for Applicant(s)  
Registration No. 27,370

Frank Pincelli/jpc  
Rochester, NY 14650  
Telephone: 585-722-3335  
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.